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VIESTE, LLC and VIESTE DEVELOPMENT, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

(1) VIESTE, LLC, an Indiana corporation; and
(2) VIESTE DEVELOPMENT, LLC; an
Indiana corporation,
Plaintiffs,
v.

No. C 09-04024 JSW

(1) HILL REDWOOD DEVELOPMENT,
LTD., a British Virgin Islands corporation;
(2) HILL INTERNATIONAL, INC., a
Delaware corporation;
(3) HILL INTERNATIONAL
DEVELOPMENT LTD., a British Virgin
Islands corporation;
(4) REDWOOD CAPITAL ADVISORS,
LLC., a Delaware corporation;
(5) STEPHEN GOODMAN, individually; and
(6) S. DICK SARGON, individually;
Defendants,

**STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING HEARING DATE AND
AMENDING BRIEFING SCHEDULE
AS MODIFIED HEREIN**

And related Counterclaim.

1 For extremely good cause, pursuant to LR-6-1, 6-2,7-12 and this Court's August 27th
2 Order, after reaching agreement, and subject to the Court's approval, the undersigned parties
3 hereby stipulate and agree continuing the dispositive motion hearing date and briefing
4 schedule as detailed below.

5 **WHEREAS:**

6 1. Under this Court's August 27, 2011 Order, dispositive motions are presently set
7 for hearing on April 29, 2011. Each party has filed a dispositive set for hearing on April 29,
8 2011; presently, responses to these motions are due on April 8, 2011 and replies are due on
9 April 15, 2011.

10 2. This Court's August 27, 2011 Order also set the close of fact discovery for
11 February 15, 2011 and the close of expert discovery for March 22, 2011. This Order
12 contemplates the close of all discovery prior to briefing dispositive motions.

13 3. Plaintiffs' have been granted extensions to complete both fact and expert
14 depositions after the deadlines in the Court's August 27, 2010 Order. Dkt. Nos. 222 and 224.
15 Presently, and as ordered by the Court, Plaintiffs will conclude expert discovery on April 1,
16 2011; Plaintiffs will conclude fact discovery by April 8, 2011 with two Rule 30(b)(6)
17 depositions of Defendants to be taken the week of April 4, 2011. The parties should not be
18 prejudiced in responding to the dispositive motions before discovery is complete.

19 4. Given the nature of the parties' dispositive motions, to fully address the issues
20 raised therein, the parties agree both fact and expert discovery should be completed prior to
21 submitting responses to the pending dispositive motions. Under the present schedule, all
22 discovery will not be complete until April 8, 2011.

23 5. The parties believe these circumstances constitute extremely good cause for
24 amending the dispositive motion briefing schedule and continuing the dispositive motion
25 hearing date.

26 6. The parties agree that the concerns raised above would be resolved by
27 continuing the dispositive motion hearing date to May 13, 2011 or to any date thereafter that
28

1 is convenient for the Court.

2 7. As of today's date, in May 2011, each of the Court's Civil Law and Motion
3 dates is presently closed to this matter. This Court's calendar indicates that the Court's next
4 available date for a hearing in this matter is June 3, 2011.

5 8. The parties agree to have their dispositive motions heard on any date
6 convenient for the Court on or after May 13, 2011 through June 3, 2011. The parties further
7 agree that the deadlines for responses and replies to the pending dispositive motions should
8 also be amended, per LR-7, should the hearing date for dispositive motions be continued.

9 9. The parties do not believe that requesting a continuance of the dispositive
10 motion deadline in this matter as requested will impact other deadlines in the Court's August
11 27, 2010 Order.

12 **WHEREFORE, THE PARTIES STIPULATE AS FOLLOWS:**

13 1. The parties jointly stipulate and request a continuance of the dispositive motion
14 hearing to the Court's next available date, on or after May 13, 2011.

15 2. The parties jointly stipulate and request that deadlines for the remaining
16 briefing on the dispositive motions be amended, per LR-7.

17 IT IS SO STIPULATED

18
19 DATED: March 31, 2011

20
21 Respectfully submitted

22 /s/ Patricia L. Peden

23 Patricia L. Peden

24 LAW OFFICE OF PATRICIA L. PEDEN

25 Attorneys for Plaintiffs and Counter-Defendants

26 VIESTE LLC and VIESTE DEVELOPMENT LLC
27
28

1 DATED: March 31, 2011

2
3
4 /s/ David P. Borovsky

5 DAVID P. BOROVSKY

6 LONG & LEVIT LLP

7 Attorneys for Defendants and Counterclaimants

8 HILL REDWOOD DEVELOPMENT, LTD., HILL

9 INTERNATIONAL, INC., HILL INTERNATIONAL

10 DEVELOPMENT, LTD., REDWOOD CAPITAL

11 ADVISORS, LLC, and Defendants STEPHEN

12 GOODMAN, AND S. DICK SARGON

ORDER

Good cause appearing for the stipulated relief requested above, the Court hereby orders:

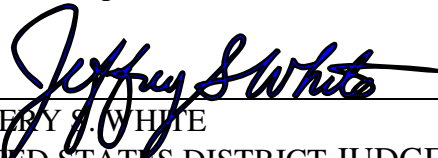
1. The dispositive motion hearing in this matter is hereby continued to June 10, 2011.

2. ~~The oppositions and replies to the pending dispositive motions shall be filed as required under LR 7 and according to the continued hearing date.~~

The opposition briefs shall be filed on April 29, 2011, and reply briefs shall be filed on May 6, 2011. If the Court finds the matter suitable for disposition without oral argument, it shall notify the parties in advance of the hearing date.

IT IS SO ORDERED.

Dated: April 6, 2011


JEFFERY S. WHITE
UNITED STATES DISTRICT JUDGE